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Attorneys for Creditor
 Debt Acquisition Company of America V

UNITED STATES BANKRUPTCY COURT

District of Nevada

In re	)	Case No. BK-S-06-10725 LBR
USA COMMERCIAL MORTGAGE COMPANY)	
Debtor.	)	DECLARATION OF HOWARD JUSTUS
	)	IN RESPONSE TO OBJECTION TO
In re	)	CLAIM NOS. 10725-00779, 10725-00780,
USA CAPITAL REALTY ADVISORS, LLC	)	10725-00781, 10725-00783, AND
Debtor.	)	10725-00904, ASSIGNED TO DEBT
	)	ACQUISITION COMPANY OF AMERICA
In re	)	V, LLC
USA CAPITAL DIVERSIFIED TRUST FUND, LLC	)	[AFFECTS DEBTOR USA COMMERCIAL
Debtor.	)	MORTGAGE COMPANY]
	)	DATE: April 26, 2007
In re	)	TIME: 9:30 a.m.
USA CAPITAL FIRST TRUST DEED FUND, LLC)	
Debtor.)	
In re)	
USA COMMERCIAL MORTGAGE COMPANY)	
Debtor.)	
Affects:)	
<input type="checkbox"/> All Debtors)	
<input checked="" type="checkbox"/> USA Commercial Mortgage Company)	
<input type="checkbox"/> USA Capital Realty Advisors, LLC)	
<input type="checkbox"/> USA Capital Diversified Trust Fund, LLC)	
<input type="checkbox"/> USA Capital First Trust Deed Fund, LLC)	
<input type="checkbox"/> USA Securities, LLC)	

1 I, Howard Justus, declare:

2 1. I am the Managing Member of Debt Acquisition Company of America V, LLC, a
3 California limited liability company ("DACA"). I have personal knowledge of the facts stated herein
4 and could and would competently testify thereto if called as a witness.

5 2. DACA has obtained by assignment the following claims:

6 2.1 The claim of Pompeo J. Lombardi, in the amount of \$43,017.52. A true and
7 correct copy of the Notice of Transfer of Claim filed with the Bankruptcy Court is attached as
8 Exhibit 1. A true and correct copy of the Courtesy Notice re Claim Transfer received by DACA
9 from The BMC Group is attached as Exhibit 2.

10 2.2 The claim of Dalton Maffett, in the amount of \$20,067.97. A true and correct
11 copy of the Notice of Transfer of Claim filed with the Bankruptcy Court is attached as Exhibit
12 3. A true and correct copy of the Courtesy Notice re Claim Transfer received by DACA from
13 The BMC Group is attached as Exhibit 4.

14 2.3 The claim of Oliver Puhr, in the amount of \$31,762.23. A true and correct copy
15 of the Notice of Transfer of Claim filed with the Bankruptcy Court is attached as Exhibit 5. A
16 true and correct copy of the Courtesy Notice re Claim Transfer received by DACA from The
17 BMC Group is attached as Exhibit 6.

18 2.4 The claim of Tom Stewart, in the amount of \$37,037.93. A true and correct copy
19 of the Notice of Transfer of Claim filed with the Bankruptcy Court is attached as Exhibit 7. A
20 true and correct copy of the Courtesy Notice re Claim Transfer received by DACA from The
21 BMC Group is attached as Exhibit 8.

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HOWARD JUSTUS

2.5 The claim of Janet Szabo, in the amount of \$25,107.97. A true and correct copy of the Notice of Transfer of Claim filed with the Bankruptcy Court is attached as Exhibit 9. A true and correct copy of the Courtesy Notice re Claim Transfer received by DACA from The BMC Group is attached as Exhibit 10.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on April 18, 2007 at San Diego, California.

Howard Justus
HOWARD JUSTUS

Debt Acquisition Company of America V, LLC
 1565 Hotel Circle South, Suite 310
 San Diego, CA 92108
 (619) 220-8900

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:	) Chapter 11
	) Jointly Administered Under
	) Case No. BK-S-06-10725 LBR
USA COMMERCIAL MORTGAGE COMPANY)
	) NOTICE OF TRANSFER OF CLAIM
Debtors.	) OTHER THAN FOR SECURITY AND
	) WAIVER OF NOTICE
	) Bankruptcy Rule 3001(e)(1)

PLEASE TAKE NOTICE that the scheduled claim of POMPEO LOMBARDI ("Transferor") against the Debtor in the amount of \$43,017.52, as listed within Schedule E of the Schedules of Assets and Liabilities filed by the Debtor, and all claims of Transferor have been transferred and assigned other than for security to Debt Acquisition Company of America V, LLC ("DACA"). The signature of the Transferor on this document is evidence of the transfer of the claims and all rights there under. Transferor hereby agrees to waive notice as described by Bankruptcy Rule 3001 (e)(1).

I, the undersigned Transferor of the above-described claims, hereby assign and transfer my claims and all rights there under to DACA upon terms as set forth herein and in the offer letter received. I authorize DACA to take the steps required to transfer the above claim or claims into their name. I represent and warrant that the claim is not less than \$43,017.52 and has not been previously objected to, sold, or satisfied. Upon notification by DACA, I agree to reimburse DACA a pro-rata portion of the purchase price if the claim is reduced, objected to, or disallowed in whole or part by the Debtor, the Court, or any other party. Interpretation of this agreement that results in legal proceedings shall be initiated and adjudicated in the County of San Diego, State of California. Other than as stated above, DACA assumes all risks associated with the debtor's ability to distribute funds. I agree to deliver to Debt Acquisition Company of America any correspondence or payments received subsequent to the date of this agreement. The clerk of the court is authorized to change the address regarding the claim of the Transferor to that of the Transferee listed below.

TRANSFEROR:

POMPEO LOMBARDI

572 SUGARPINE DR INCLINE VILLAGE, NV 89451-8414

Print Name Pompeo J. Lombardi Title Broker
 Signature P. Lombardi Date 8/9/06

Updated Address (if needed) _____

Phone 775-240-0084 Fax 775-826-1697 E-Mail pompeo@excite.com

TRANSFeree:

DEBT ACQUISITION COMPANY OF AMERICA V, LLC

1565 Hotel Circle South, Suite 310, San Diego, CA 92108

Signature: _____

Tom Scheidt

Mail Ref# 2-17207
 2619900

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,) Chapter 11
)
) Case No. 06-10725
 Debtors.) (Jointly Administered)
)

COURTESY NOTICE RE CLAIM TRANSFER OF CLAIM NO S19652

TO: POMPEO LOMBARDI
572 SUGARPINE DR
INCLINE VILLAGE NV 89451-8414

PLEASE TAKE NOTICE that we have received and processed a Transfer to DEBT ACQUISITION COMPANY OF AMERICA V, LLC of your Claim, Schedule Record [s19652] in the amount of \$43,017.52.

DATED: August 21, 2006

THE BMC GROUP

1330 East Franklin Avenue
El Segundo, California 90245

Official Claims and Noticing Agent for the Clerk of the Court in the USA COMMERCIAL MORTGAGE COMPANY bankruptcy cases

SEP-11-2006(MON) 11:44

P.001/001

Debt Acquisition Company of America V, LLC
 1565 Hotel Circle South, Suite 310
 San Diego, CA 92108
 (619) 220-8980

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Debtors.

) Chapter 11
) Jointly Administered Under
) Case No. BK-06-10725 LBR.
)
) NOTICE OF TRANSFER OF CLAIM
) OTHER THAN FOR SECURITY AND
) WAIVER OF NOTICE
) Bankruptcy Rule 3001(c)(1)

PLEASE TAKE NOTICE that the scheduled claim of DALTON F MAFFETT ("Transferor") against the Debtor in the amount of \$28,867.97 has been transferred and assigned other than for security to Debt Acquisition Company of America V, LLC ("DACA"). The signature of the Transferor on this document is evidence of the transfer of the claim and all rights there under. Transferor hereby agrees to waive notice as described by Bankruptcy Rule 3001 (c)(1).

I, the undersigned Transferor of the above-described claim, hereby assign and transfer my claim and all rights there under to DACA upon terms as set forth herein and in the offer letter received. I represent and warrant that the current net amount is not less than \$14,886.47 and has not been previously objected to, sold, or satisfied. Upon notification by DACA, I agree to reimburse DACA a pro-rata portion of the purchase price if the claim is returned, objected to, or disallowed in whole or part by the Debtor, the Court, or any other party. Other than as stated above, DACA assumes all risks associated with the debtor's ability to distribute funds. I agree to deliver to Debt Acquisition Company of America any correspondence or payments received subsequent to the date of this agreement. The clerk of the court is authorized to change the address regarding the claim of the Transferor to that of the Transferee listed below.

TRANSFEROR:

DALTON F MAFFETT

4945 BUBONNET DR SPARKS, NV 89436-3134

Print Name

Title

Signature

Date 9/11/06

Updated Address (if needed)

Phone 775-219-9550

Fax

E-Mail Dmaffett@charter.net

TRANSFeree:

DEBT ACQUISITION COMPANY OF AMERICA V, LLC

1565 Hotel Circle South, Suite 310, San Diego, CA 92108

Signature:

Tina Richman

Mail Box 3-5842
 2121401

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,) Chapter 11
)
) Case No. 06-10725
 Debtors.) (Jointly Administered)
)

COURTESY NOTICE RE CLAIM TRANSFER OF CLAIM NO S19653

**TO: DALTON MAFFETT
4948 DUBONNET DR
SPARKS NV 89436-8134**

PLEASE TAKE NOTICE that we have received and processed a Transfer to **DEBT ACQUISITION COMPANY OF AMERICA V, LLC** of your Claim, Schedule Record [s19653] in the amount of \$20,067.97.

DATED: August 30, 2006

THE BMC GROUP

1330 East Franklin Avenue
El Segundo, California 90245

Official Claims and Noticing Agent for the Clerk of the Court in the USA COMMERCIAL MORTGAGE COMPANY bankruptcy cases

08-14-'06 11:46 FROM-

T-046 P002/010 F-085

Debt Acquisition Company of America V, LLC
 1565 Hotel Circle South, Suite 310
 San Diego, CA 92108
 (619) 220-8900

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:	) Chapter 11
	) Jointly Administered Under
	) Case No. BK-S-06-10725 LBR
USA COMMERCIAL MORTGAGE COMPANY)
	) NOTICE OF TRANSFER OF CLAIM
Debtors.	) OTHER THAN FOR SECURITY AND
	) WAIVER OF NOTICE
	) Bankruptcy Rule 3001(e)(1)

PLEASE TAKE NOTICE that the scheduled claim of OLIVER C PUHR ("Transferor") against the Debtor in the amount of \$31,762.23, as listed within Schedule E of the Schedules of Assets and Liabilities filed by the Debtor, and all claims of Transferor have been transferred and assigned other than for security to Debt Acquisition Company of America V, LLC ("DACA"). The signature of the Transferor on this document is evidence of the transfer of the claims and all rights there under. Transferor hereby agrees to waive notice as described by Bankruptcy Rule 3001 (e)(1).

I, the undersigned Transferor of the above-described claims, hereby assign and transfer my claims and all rights there under to DACA upon terms as set forth herein and in the offer letter received. I authorize DACA to take the steps required to transfer the above claim or claims into their name. I represent and warrant that the claim is not less than \$26,262.23 and has not been previously objected to, sold, or satisfied. Upon notification by DACA, I agree to reimburse DACA a pro-rata portion of the purchase price if the claim is reduced, objected to, or disallowed in whole or part by the Debtor, the Court, or any other party. Interpretation of this agreement that results in legal proceedings shall be initiated and adjudicated in the County of San Diego, State of California. Other than as stated above, DACA assumes all risks associated with the debtor's ability to distribute funds. I agree to deliver to Debt Acquisition Company of America any correspondence or payments received subsequent to the date of this agreement. The clerk of the court is authorized to change the address regarding the claim of the Transferor to that of the Transferee listed below.

TRANSFEROR:
OLIVER C PUHR
 1696 HEARTSTONE CT RENO, NV 89521-4048

Print Name OLIVER PUHR Title VICE-PRESIDENT
 Signature [Signature] Date 04/14/06
 Updated Address (if needed) _____
 Phone 775.844.9944 Fax 775.844.9945 E-Mail _____

TRANSFeree:
DEBT ACQUISITION COMPANY OF AMERICA V, LLC
 1565 Hotel Circle South, Suite 310, San Diego, CA 92108

Signature: [Signature]
 Tom Schmitt

Mail Ref# 2-10365
 2619903

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,) Chapter 11
)
) Case No. 06-10725
 Debtors.) (Jointly Administered)
)

COURTESY NOTICE RE CLAIM TRANSFER OF CLAIM NO S19655

TO: OLIVER PUHR
1696 HEARTHSTONE CT
RENO NV 89521-4048

PLEASE TAKE NOTICE that we have received and processed a Transfer to DEBT ACQUISITION COMPANY OF AMERICA V, LLC of your Claim, Schedule Record [s19655] in the amount of \$31,762.23.

DATED: August 21, 2006

THE BMC GROUP

**1330 East Franklin Avenue
El Segundo, California 90245**

Official Claims and Noticing Agent for the Clerk of the Court in the USA COMMERCIAL MORTGAGE COMPANY bankruptcy cases

08/13/2008 11:32 FAX

002/002

Debt Acquisition Company of America V, LLC
 1565 Hotel Circle South, Suite 310
 San Diego, CA 92108
 (619) 220-8900

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:) Chapter 11
) Jointly Administered Under
 USA COMMERCIAL MORTGAGE COMPANY,) Case No. BK-S-06-10725 LBR
)
 Debtors.) NOTICE OF TRANSFER OF CLAIM
) OTHER THAN FOR SECURITY AND
) WAIVER OF NOTICE
) Bankruptcy Rule 3001(e)(1)

PLEASE TAKE NOTICE that the scheduled claim of THOMAS STEWART ("Transferor") against the Debtor in the amount of \$37,837.93 has been transferred and assigned other than for security to Debt Acquisition Company of America V, LLC ("DACA"). The signature of the Transferor on this document is evidence of the transfer of the claim and all rights there under. Transferor hereby agrees to waive notice as described by Bankruptcy Rule 3001 (e)(1).

I, the undersigned Transferor of the above-described claim, hereby assign and transfer my claim and all rights there under to DACA upon terms as set forth herein and in the offer letter received. I represent and warrant that the current net amount is not less than \$37,037.93 and has not been previously objected to, sold, or satisfied. Upon notification by DACA, I agree to reimburse DACA a pro-rata portion of the purchase price if the claim is reduced, objected to, or disallowed in whole or part by the Debtor, the Court, or any other party. Other than as stated above, DACA assumes all risks associated with the debtor's ability to distribute funds. I agree to deliver to Debt Acquisition Company of America any correspondence or payments received subsequent to the date of this agreement. The clerk of the court is authorized to change the address regarding the claim of the Transferor to that of the Transferees listed below.

TRANSFEROR:

THOMAS STEWART

280 GLENNING CLOUD DR. HENDERSON, NV 89012-3119

Print Name Thomas Stewart Title _____

Signature [Signature] Date 8/18/06

Updated Address (if needed) _____

Phone 702-450-7127 Fax _____ E-Mail 4stewart@earthlink.net

TRANSFEE:

DEBT ACQUISITION COMPANY OF AMERICA V, LLC
 1565 Hotel Circle South, Suite 310, San Diego, CA 92108

Signature: _____

Tom Scheldt

Mail Ref 2-12615
 2619906

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,) Chapter 11
)
) Case No. 06-10725
 Debtors.) (Jointly Administered)
)

COURTESY NOTICE RE CLAIM TRANSFER OF CLAIM NO S19656

**TO: THOMAS STEWART
330 GLISTENING CLOUD DR
HENDERSON NV 89012-3119**

PLEASE TAKE NOTICE that we have received and processed a Transfer to DEBT ACQUISITION COMPANY OF AMERICA V, LLC of your Claim, Schedule Record [s19656] in the amount of \$37,037.93.

DATED: August 21, 2006

THE BMC GROUP

**1330 East Franklin Avenue
El Segundo, California 90245**

Official Claims and Noticing Agent for the Clerk of the Court in the USA COMMERCIAL MORTGAGE COMPANY bankruptcy cases

Debt Acquisition Company of America V, LLC
 1565 Hotel Circle South, Suite 310
 San Diego, CA 92108
 (619) 220-8900

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:) Chapter 11
) Jointly Administered Under
) Case No. BK-S-06-10725 LBR
 USA COMMERCIAL MORTGAGE COMPANY)
 Debtors.) **NOTICE OF TRANSFER OF CLAIM**
) **OTHER THAN FOR SECURITY AND**
) **WAIVER OF NOTICE**
) Bankruptcy Rule 3001(e)(1)

PLEASE TAKE NOTICE that the scheduled claim of JANET SZABO ("Transferor") against the Debtor in the amount of **\$25,107.97**, as listed within Schedule E of the Schedules of Assets and Liabilities filed by the Debtor, and all claims of Transferor have been transferred and assigned other than for security to Debt Acquisition Company of America V, LLC ("DACA"). The signature of the Transferor on this document is evidence of the transfer of the claims and all rights there under. Transferor hereby agrees to waive notice as described by Bankruptcy Rule 3001 (e)(1).

I, the undersigned Transferor of the above-described claims, hereby assign and transfer my claims and all rights there under to DACA upon terms as set forth herein and in the offer letter received. I authorize DACA to take the steps required to transfer the above claim or claims into their name. I represent and warrant that the claim is not less than \$25,107.97 and has not been previously objected to, sold, or satisfied. Upon notification by DACA, I agree to reimburse DACA a pro-rata portion of the purchase price if the claim is reduced, objected to, or disallowed in whole or part by the Debtor, the Court, or any other party. Interpretation of this agreement that results in legal proceedings shall be initiated and adjudicated in the County of San Diego, State of California. Other than as stated above, DACA assumes all risks associated with the debtor's ability to distribute funds. I agree to deliver to Debt Acquisition Company of America any correspondence or payments received subsequent to the date of this agreement. The clerk of the court is authorized to change the address regarding the claim of the Transferor to that of the Transferee listed below.

TRANSFEROR:

JANET SZABO

292 FRANCISCO ST HENDERSON, NV 89014-6026

Print Name Janet Szabo Title Account Executive

Signature *Janet Szabo* Date 7/31/06

Updated Address (if needed) _____

Phone 702 570 2000 Fax _____ E-Mail premadoll@hotmail.com

TRANSFeree:

DEBT ACQUISITION COMPANY OF AMERICA V, LLC
 1565 Hotel Circle South, Suite 310, San Diego, CA 92108

Signature: _____

Tom Schidt

Mail Ref# 2-10043
 2619907

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,) Chapter 11
)
) Case No. 06-10725
 Debtors.) (Jointly Administered)
)

COURTESY NOTICE RE CLAIM TRANSFER OF CLAIM NO S19657

TO: JANET SZABO
292 FRANCISCO ST
HENDERSON NV 89014-6026

PLEASE TAKE NOTICE that we have received and processed a Transfer to **DEBT ACQUISITION COMPANY OF AMERICA V, LLC** of your Claim, Schedule Record [s19657] in the amount of \$25,107.97.

DATED: August 21, 2006

THE BMC GROUP

**1330 East Franklin Avenue
El Segundo, California 90245**

Official Claims and Noticing Agent for the Clerk of the Court in the USA COMMERCIAL MORTGAGE COMPANY bankruptcy cases